

REMARKS

Claims 1 and 3-9 remain in the application with claims 1, 3, and 5-9 having been amended hereby and claim 2 having been canceled, without prejudice or disclaimer.

Reconsideration is respectfully requested of the rejection of the claims under 35 USC 102(e) as being anticipated by Colby et al.

As previously described, the present invention permits a content provider to easily designate a delivery condition such as the transmission band or the transmission medium, for example, a satellite broadcast, for delivery of the content data. Typically, the content provider could only create a transmission schedule for the content for delivering the data over each channel. In other words, typically, the content provider can not select the transmission band, the transmission time, or the transmission medium as the provider prefers. Following the teaching of the present invention, as recited in the amended claims, the content provider is given a much more expanded role in the delivery of the data.

Colby et al., on the other hand, focuses more on a detailed analysis of the network and system employing a number of servers that controls the broadcasting of program materials. Nevertheless, Colby et al. fails to disclose the provision of a delivery designating means, for example, for designating a delivery condition set by the user including one of a transmission band and a transmission medium for delivering the content data. Colby et al. provides only a

single master topology manager and scheduler for the entire data network to which a number of the servers that provide content data are connected.


Thus, it is respectfully submitted that an information providing apparatus and method as taught by the present invention and as recited in the amended claims is not shown in the cited reference.

Entry of this amendment is earnestly solicited and it is respectfully submitted that this amendment raises no new issues requiring further consideration and/or search since the underlying invention has always been set forth in the claims and considered by the examiner.

Favorable reconsideration is earnestly solicited.

Respectfully submitted,

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